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GRANT, C EXAMINER

26M2/0421

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ART UNIT PAPER NUMBER

2602

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DATE MAILED: 04/21/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-44 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-13, 14, 16-19, 25-27, 29-37, 38-44 are rejected.

5. ☒ Claims 15, 20-24, 28 are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other _____

EXAMINER'S ACTION

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1. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to adequately teach how to make/or use the invention (i.e. failing to provide an enabling disclosure).

The specification fails to adequately teach the following subject matter:

- a) A receiver coupled to a memory means and a processing means as recited in claim 1 and memory means recited in claims 11 and 36.
- b) A switch means as recited in claim 37.

2. Claims 1-13 and 36-44 are accordingly rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

3. Claims 1-13 and 36-44 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 13, there is no clear antecedent basis for "information units"

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Claim 1 is vague because it is not clear if the comparing means is coupled to the memory means or the input means.

Claim 9 is vague because the phrase "conversion means...to translate a between two representations of locations" on lines 3-7, is not clear.

Claim 28 is vague because the phrase "transmission preceding....segment" on lines 3-6 is not clear.

Claim 36 is vague because it is not clear if the means for comparing is connected to the input means or the memory means.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-8, 14, 17, 19, 25, 33, and 35-37 are rejected under 35 U.S.C. § 102(e) as being anticipated by Wachob.

Considering claim 1, Wachob discloses all the claimed subject matter. Note that 1) the claimed transmitting of information segments is met by transmission system of figure 5, see col. 9, line 11-col. 10, line 16, (information segments also

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include "tag information"); 2) the claimed means for inserting is met by FM data modulator (70) and coupler (72), see col. 6, lines 22-23, col. 10, lines 10-19; 3) the claimed receiver means is met by receiver shown in figure 1; 4) the claimed memory means is met by RAM (36), see col. 5, lines 19-29, lines 64-67 and col. 6, lines 16-20; 5) the claimed input means is met by remote control (120), see col. 5, lines 36-60, col. 6, lines 15-17; 6) the claimed comparing means is met by microprocessor (30), see col. 8, lines 39-45; and 7) the claimed processing means is met by descrambler (24).

Claims 2 and 3 are met by "tag information" discussed in col. 10, lines 19 and col. 6, lines 40-46.

Claim 4 is met by discussion of CATV system in col. 1, lines 39-47.

Claims 5-7 are met by discussion of other transmission means in col. 11, lines 43-47.

Claim 8 is inherent because CATV systems are subnetworks of larger broadcast network.

The limitations set forth in claim 14 has been discussed above regarding claim 1.

Claim 17 is met by demographic areas discussed in col. 6, lines 15-17.

Claim 19 is met by neighborhood locations which are variable. See col. 6, lines 15-17.

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Claim 25 is inherently performed by microprocessor disclosed in col. 8, lines 34-45.

Claim 33 is met by flow chart of figure 4.

Claim 35 is met commercials to demographic areas discussed in col. 3, lines 28-41 and col. 6, lines 15-17.

The limitations set forth in claim 36 has been discussed above regarding claim 1.

Claim 37 is met by switches disclosed in col. 5, lines 37-60.

6. Claims 14, 16-18, 25-27, 29-35 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kaufmann et al. (kaufmann).

Considering claim 14, Kaufmann discloses all the claimed subject matter. Note that 1) the claimed transmitting of information segments is met by transmission system of figure 1, see col. 3, lines 25-34; 2) the claimed transmitting location designation code is met by addressable controller (24) which transmit message groups and subgroups indicating geographical area (i.e. location), see col. 4, lines 36-43, col. 4, line 60; 3) the claimed encoding means is met by adder (12), see col. 4, lines 22-35; 4) the claimed receiver means is met by receiver shown on figure (2); 5) the claimed comparing means is met by microprocessor (56), see col. 5, lines 34-42; and 6) the claimed processing means is met by video display generator (66).

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As for claim 16, the claimed alternate code is met by subgroups discussed in col. 4, lines 36-65.

Claim 17 is met by discussion of various groups in col. 4, lines 36-65.

Claim 18 is met by the primary groups and the subgroups discussed in col. 4, lines 36-65.

Claim 25 is met by microprocessor (56) functions discussed in col. 5, lines 33-39.

Claim 26 is met by RAM (60) and TV set (20) of figure 1. See col. 5, lines 39-47.

Claim 27 is met by immediate display of messages discussed in col. 5, lines 45-55.

Claim 29 is met by discussion of the various groups discussed in col. 4, lines 36-65. Note col. 4, line 60 and also the "wild card" feature.

Claim 30 and 31 met by discussion in col. 4, lines 36-65, since the "wild card" feature partly defines the location code.

Claim 31 is met by discussion in col. 4, lines 36-65, since the "wild card" feature is used to inform civil defense workers in different groups.

Claim 32 is met by the different ways of transmitting the location code discussed in col. 4, lines 29-35.

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Claim 33 is met by the criteria discussed in col. 6, lines 14-35 or the scenario discussed in col. 6, lines 36-45 or priority messages discussed in col. 8, lines 16-23.

Claims 34 and 35 are met by the various messages to firemen, civil defence workers and any other parameter of interest discussed in col. 4, lines 45-50.

7. Claims 14, 17 and 34 are rejected under 35 U.S.C. § 102(b) as being anticipated by Permut et al. (Permut).

Considering claim 14, Permut discloses all the claimed subject matter. Note that 1) the claimed transmitting of information segments is met by transmission system 10 of figure 1, (note audio input) see col. 3, lines 52-60; 2) the claimed transmitting location designation code is met by code selector (11) which designates codes indicating geographical area (i.e. location), see col. 3, lines 41-42; 3) the claimed encoding means is met by RF circuits (14), see col. 3, lines 43-51; 4) the claimed receiver means is met by receiver (20) shown in figure 1; 5) the claimed comparing means is met by microprocessor (24), see col. 4, lines 5-14; and 6) the claimed processing means is met by circuits (25-30).

Claim 17 is met by various locations discussed in col. 1, lines 55-60.

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Claim 34 is met by display messages discussed in col. 4, lines 36-45.

8. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the transmitter, means for inserting, receiver, memory, input means, comparing means, and processing means of claims 1 and 36; the transmitting step, encoding step, receiving step, comparing step and processing step of claim 14 must be shown or the feature cancelled from the claim. No new matter should be entered.

9. Applicant is required to submit a proposed drawing correction in response to this Office action. However, correction of the noted defect can be deferred until the application is allowed by the examiner.

10. The disclosure is objected to because of the following informalities: In the specification on page 13, line 19, the word "not" should be changed to -- no --.

On page 17, line 8 the number "210" is not shown in any of the figures. Appropriate correction is required.

11. Claims 9-13 and 38-44 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims.

12. Claims 15, 20-24 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten

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in independent form including all of the limitations of the base claim and any intervening claims.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thomas discloses a teletext system comprising terminals having location codes.

Freeman discloses transmitting messages to terminals with demographic data.

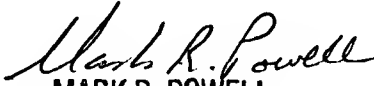
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Grant whose telephone number is (703) 305-4755.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

CG

CHRIS GRANT

April 11, 1994


MARK R. POWELL
PRIMARY EXAMINER
GROUP 2600